

Applicants: FUDIM, Max et al.
Serial Number: 10/608,038
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Assignee: Intel Corporation
Attorney Docket: P-5756-US

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REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

Status of Claims

Claims 1-28 are pending in the application. Claims 1-28 have been rejected. No amendments are being made in the present response.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-4, 8-14, and 18-28 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, U.S. Patent Publication No. 2006/0291580. Applicants respectfully submit that the rejection of claims 1-4, 8-14, and 18-28 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz should be withdrawn.

Independent claims 1, 12, 23, and 26 each recite, "the associative history including at least successful association attempts and failed association attempts." Neither of Elzein or Horvitz recites this feature of claims 1, 12, 23 and 26. In particular, neither of Elzein or Horvitz discloses including failed association attempts in an associative history. Although the Examiner has cited Horvitz paragraphs 0073 and 0094 for teaching channel data memory, the details of Horvitz's channel data memory do not include failed association attempts. In paragraph 0073, Horvitz lists the following as data stored: "reliability history of the communication channel, reliability history of a current communication, communication length, communication type, mean time between failure of the communication channel, average failure duration of the communication channel, average percent degradation of the communication channel, atmospheric conditions, scheduled communication channel maintenance and scheduled communication channel downtime." These parameters all pertain to the reliability of a communication link, not to the success or failure of *establishing* that link as does Applicants claimed "associative history including at least successful association attempts and failed association attempts." A mean time between failures, for example, is in the context of Horvitz a measure of the

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duration of a continuous link, not a measure of attempts to associate. Further, average failure duration is a measure of how long a link is down before being re-established. Therefore, Horvitz does not teach a history of failed association attempts.

Each of claims 1, 12, 23, and 26 is allowable over Horvitz and Elzein, alone or in combination. Each of claims 2-4, 8-11, 13-14, 18-22, 24-25, and 27-28 depends from one of independent claims 1, 12, 23, and 26, includes all the limitations thereof, and is therefore likewise allowable.

Accordingly, Applicants request that the rejection of claims 1-4, 8-14, and 18-28 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz be withdrawn.

In the Office Action, the Examiner rejected claims 5 and 16 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, and further in view of Shi, U.S. Patent No. 6,807,163. Applicants respectfully submit that the rejection of claims 5 and 16 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz and further in view of Shi should be withdrawn.

Claim 5 depends from independent claim 1 and claim 16 depends from independent claim 12. Each of claims 5 and 16 includes all the features of their respective independent claim as well as additional distinguishing features. As stated above, these independent claims are patentable over Elzein in view of Horvitz. The addition of Shi fails to cure the deficiencies of Elzein and Horvitz. Therefore, none of Elzein, Horvitz or Shi alone or in combination renders claims 5 and 16 obvious.

Accordingly, Applicants request that the rejection of claims 5 and 16 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, and further in view of Shi be withdrawn.

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In the Office Action, the Examiner rejected claims 6-7, 15 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, and further in view of Balogh, U.S. Publication No. 2001/0024953. Applicants traverse the rejection of claims 6-7, 15 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, and further in view of Balogh.

Each of claims 6-7, 15 and 17 depends from one of amended independent claims 1 and 12, and includes all the features of one of these amended independent claims as well as additional distinguishing features. As stated above, these independent claims are patentable over Elzein in view of Horvitz. The addition of Balogh fails to cure the deficiencies of Elzein and Horvitz. Therefore, none of Elzein, Horvitz or Balogh alone or in combination renders claims 6-7, 15 and 17 obvious.

Accordingly, the rejection of claims 6-7, 15 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Elzein in view of Horvitz, and further in view of Balogh is respectfully requested to be withdrawn.

Conclusion

In view of the foregoing remarks, and for at least the reasons discussed above, Applicants respectfully submit that the claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

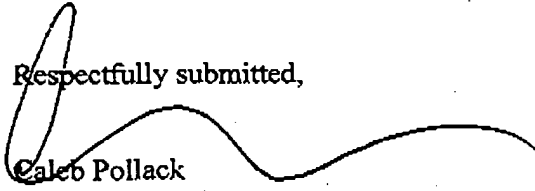
Should the Examiner have any questions or comments as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due associated with this paper; however, if any fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



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